

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DALLY PROPERTIES, LLC,

Plaintiff,

v.

TRUCK INSURANCE EXCHANGE, a  
foreign corporation; TRAVELERS  
PROPERTY CASUALTY COMPANY OF  
AMERICA, a foreign corporation; and  
LEXINGTON INSURANCE COMPANY, a  
foreign corporation,

Defendants.

Case No. C05-0254L

ORDER ON TRUCK'S MOTION  
FOR RECONSIDERATION

This matter comes before the Court on defendant's "Motion for Partial Relief from order on Truck's Motions for Summary Judgment" (Dkt. # 155). Truck Insurance Exchange ("Truck") seeks relief under Rule 60 from the Court's order on Truck's motions for summary judgment (Dkt. # 149). Fed. R. Civ. P. 60(b). This rule is inapplicable to orders that are not final judgments within the meaning of Rule 54. Fed. R. Civ. P. 54; see also Burke v. Warren County Sheriff's Dept., 916 F.Supp. 181 (N.D.N.Y. 1996); 12 JAMES WM. MOORE ET AL., MOORE'S

ORDER ON TRUCK'S MOTION FOR  
RECONSIDERATION - 1

1 FEDERAL PRACTICE ¶ 60.02 (“By its terms, Rule 60(b) applies to final orders and final  
2 proceedings as well as to judgments.”). Truck’s motion also might be considered a motion for  
3 reconsideration pursuant to local rule 7(h). Local Rule CR 7(h). These motions “are  
4 disfavored” and the Court “will ordinarily deny such motions in the absence of a showing of  
5 manifest error in the prior ruling or a showing of new facts or legal authority which could not  
6 have been brought to its attention earlier with reasonable diligence.” Id. The Court finds that  
7 Truck’s motion does not meet this standard. For these reasons, IT IS HEREBY ORDERED that  
8 Truck’s “Motion for Partial Relief from order on Truck’s Motions for Summary Judgment” (Dkt.  
9 # 155) is DENIED.

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11 DATED this 10th day of May, 2006.

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14 Robert S. Lasnik  
15 United States District Judge  
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